_	Application No.	Applicant(s)
Notice of Allowability	10/628,783	FRIEDLANDER ET AL.
	Examiner	Art Unit
	Quang Nguyen, Ph.D.	1633
The MAILING DATE of this communication appeal All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIOF of the Office or upon petition by the applicant. See 37 CFR 1.313 1. This communication is responsive to 5/25/06. 2. The allowed claim(s) is/are 66-68.	(OR REMAINS) CLOSED in this or other appropriate communica GHTS. This application is subject	application. If not included tion will be mailed in due course. THIS
 3. ☐ Acknowledgment is made of a claim for foreign priority un a) ☐ All b) ☐ Some* c) ☐ None of the: 	der 35 U.S.C. § 119(a)-(d) or (f).	
1. Certified copies of the priority documents have been received.		
2. Certified copies of the priority documents have been received in Application No		
3. Copies of the certified copies of the priority documents have been received in this national stage application from the		
International Bureau (PCT Rule 17.2(a)).		
* Certified copies not received:		
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF' INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.		
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 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 		
(a) ☐ including changes required by the Notice of Braitsperson's Patent Brawing Review (P10-948) attached 1) ☐ hereto or 2) ☐ to Paper No./Mail Date		
(b) including changes required by the attached Examiner's Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.	Amendment / Comment or in th	wings in the front (not the back) of
each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the		
attached Examiner's comment regarding REQUIREMENT	FOR THE DEPOSIT OF BIOLOG	SICAL MATERIAL.
Attachment(s) 1. Notice of References Cited (PTO-892)	5. Notice of Informa	al Patent Application (PTO-152)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	6. 🛛 Interview Summa	
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08 Paper No./Mail Date	Paper No./Mail I 8), 7. ⊠ Examiner's Amer	
Examiner's Comment Regarding Requirement for Deposit of Biological Material	8. ☐ Examiner's State 9. ☐ Other	ment of Reasons for Allowance
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· · · · · · · · · · · · · · · · · · ·		MANG NGUYEN, PH.D MATENT EXAMINER

EXAMINER'S AMENDMENT

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/25/06 has been entered.

Amended claims 50, 52-56, 58-59 and 61 are pending in the present application.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Talivaldis Cepuritis on June 7, 2006.

The specification has been amended as below:

In the claim

Claims 50, 52-56, 58-59 and 61 were cancelled. New claims 66-68 were added below:

Claim 66 (New) An isolated and transfected lineage negative hematopoietic stem cell population containing endothelial progenitor cells in which at least about 50%

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of all cells in said stem cell population express cell markers for CD31 and c-kit, and not more than about 1% of all cells in said stem cell population express the Tie-2 marker, and wherein the cells of said stem cell population are transfected with a DNA encoding an anti-angiogenic peptide, an anti-angiogenic protein or an anti-angiogenic protein fragment.

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Claim 67 (New) The transfected stem cell population of claim 66 wherein the anti-angiogenic protein fragment is an anti-angiogenic protein fragment of tryptophanyl-tRNA synthetase (TrpRS).

Claim 68 (New) The transfected stem cell population of claim 67 wherein the anti-angiogenic protein fragment of TrpRS is T2-TrpRS.

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EXAMINER'S COMMENT

In the examination of the instant application, the Examiner is aware of the copending Application with the Serial No. 10/833,743 filed on 4/28/2004; and the copending Application with the Serial No. 11/168,010, filed on 6/28/2005, with at least one common inventor. Provisional obviousness-type double patenting rejections could have been made against claims in these co-pending Applications. However, MPEP states that "If a "provisional" nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang Nguyen, Ph.D., whose telephone number is (571) 272-0776.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Dave Nguyen, may be reached at (571) 272-0731.

To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1633; Central Fax No. (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has

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been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

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